

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
MIDDLE DIVISION**

**TROY WAYNE ARNOLD,**

**Plaintiff,**

**V.**

**ETOWAH COUNTY SHERIFF'S  
DEPT., and OFFICER SHANE  
HARTLEY,**

## Defendants.

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**)Case No. 04:08-cv-1428-VEH-RRR**

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## MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on October 7, 2008, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed for failing to state a claim upon which relief can be granted under 28 U.S.C. § 1915A(b).

No objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby **ADOPTED** and the recommendation is **ACCEPTED**. Accordingly, the complaint is due to be dismissed for failing to state a claim upon which relief can be granted pursuant to 28 U.S.C. § 1915A(b). A Final Judgment will be entered.

**DONE** and **ORDERED** this the 31st day of October, 2008.

A handwritten signature in black ink, appearing to read "V. Emerson Hopkins", written over a horizontal line.

**VIRGINIA EMERSON HOPKINS**

United States District Judge